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BEFORE THE FEDERAL COMMUNICATIONS COMMISSION

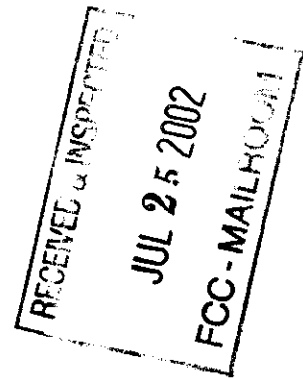
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VIA POSTAL AIR DELIVERY

Ms. Marlene H Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington DC 20554

RE: Cellular Portability Forbearance
Docket No. 01-184



Dear Ms. Salas,

Please find my Cellular Portability Forbearance filing from
July 10, 2002 Peggy Arvanitas' Reply Comments for docket FCC 01-184

Pursuant to Section 1.1206 of Commission's Rules, an original and four copies of

This ex-parte are being filed with your office. If you have any questions concerning

This submission, please contact the undersigned.

Sincerely,

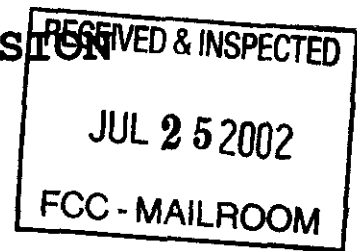
A handwritten signature in cursive script that reads "Peggy Arvanitas".

Peggy Arvanitas
Pegremax2000@yahoo.com

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554



In the Matter of)

Cellular Portability)
Forbearance)

) CC Docket No.01-184
)
)

REPLY COMMENTS AND RECONSIDERATION COMMENTS OF
PEGGY ARVANITAS

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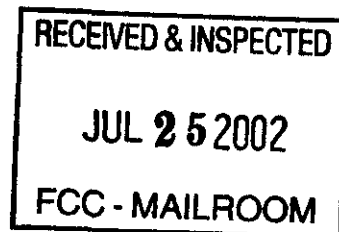
BEFORE THE FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON D.C. 20554

In the Matter of:)

Petition Pursuant to 47 USC 160)

For Partial Forbearance from the)
Commercial Mobile Radio Services)
Number Portability Obligation)
_____)

WT Docket 01-184



REPLY COMMENTS OF CONSUMER PEGGY ARVANITAS

The Consumer Peggy Arvanitas submits these Reply Comments to the Petition Pursuant to 47 USC 160 for Partial Forbearance from the CMRS Number Portability Obligation, filed by Verizon Wireless on July 26, 2001. As I originally challenged the Cellular Portability Forbearance in FCC 99-200 docket in May 2001, and have entertained a February 2002 ex parte with Mr Copps' assistant, I am finishing my challenge. Verizon Wireless' claims, incorrect statements, as well as CTIA's are being challenged here. "These are the Public's Numbers " as the 1996 Telecom Act says over 122 times. It is in the Public's interest to port Cellular Phone numbers. And the over 1000 consumer independently filed comments and quoted here from NASUCA comments are a testimony to the will and voice of the people.

My knowledge as a Cellular Phone new sales representative from February 2001-May 2002 gives me unique knowledge, not having been heard throughout this proceeding. I have personally talked to over 1000 consumers a week. I strongly oppose Verizon Wireless' petition for reasons stated in my comments of July 10, 2002. And I am responding also to a few additional issues prompted by other parties' comments.

I. THE VERIZON WIRELESS REQUEST DOES NOT MEET THE SECTION 10 REQUIREMENTS FOR CELLULAR PORTABILITY FORBEARANCE

The first prong of the Section 10 for forbearance is LNP “is not necessary to insure the rates and practices are just, reasonable and non-discriminatory” has been lauded by all the Cellular carriers. The fact that there are so many people using Cellular service is not in itself a justification of competition being robust. We could equally say all women in Afghanistan are happy because they are still in their houses bearing children. We know that this is not so, but you cannot find a technical way to hold a microphone to every house. Has the Cellular Industry had a study and specifically asked ‘IF YOU LEAVE THIS COMPANY DO YOU WANT TO TAKE YOUR PHONE WITH YOU?’ OR “ WOULD YOU LEAVE THIS COMPANY WOULD YOU TAKE YOUR NUMBER WITH YOU?” Of course not.

Actually, I was a Primeco customer since 1998. To my chagrin, the company was purchased by Verizon, and my hell began. That I am a real estate agent and I can't change my number for previous knowledge confirmed of loss of business, I have ENDURED them. THIS WAS THE ORIGINAL REASON FOR MY CELLULAR PORTABILITY FORBEARANCE. From being on four years of FCC 99-200 Number Optimization dockets, I was also aware the self affirmation of NON LNP capability gave the Cellular Industry 10 TIMES the NXX's from NANPA in a wireline pooling environment. By the 1996 Telecom Act's own section 251, this is not “competitively neutral”, and numbers are not allocated to all carriers on an “equitable basis.” I am going to list, then the practices by the Cellular Industry that are NOT JUST, are UNREASONABLE, and that are DISCRIMINATORY

CONTRACT PERIODS ARE NOT JUSTIFIED FOR FREE EQUIPMENT OFFERS

Most carriers, except for Cingular Wireless, give one year contracts. A two year contract

that is given only defers a \$25-\$50 activation fee. There is a penalty from \$150-\$250 for breaking your contract. Au contraire to the Industry's affirmations, this does not coincide with the cost of the cell phone. Most cellular companies are offering a very cheap 5165 Nokia. They are told, by a panthlet that the TALK TIME is 180 minutes, and STAND BY TIME is 3-5 days. This is not true. There are two different types of batteries , and the phone is given with the cheapest cellular battery. I only had a Motoola 1200 that I could talk for 2 ½ hours, and a 4-5 day stand by time. Cingular Wireless makes it's customers take a 3 year contract. The customers were always enraged, and had the most network complaints, and were the easiest to sell new service to.

CUSTOMER SERVICE PHONE REPS HAVE REACHED NEW LEVELS OF STUPIDITY AND LACK OF TRAINING , AS WELL AS LONG HOLD PERIODS TO COMMUNICATE

I worked in the Hospital Industry for almost 12 years. For good customer care, we had nursing staff to patient ratios. The time period in a wait to talk on the phone is too long, 15-20 minutes minimum. My wait time was worse with PRE-PAID services. On AT&T Wireless' website, there is not even an address. You cannot put a note in the billing address, that will go in the garbage. I still have a 4 MONTH complaint disagreement in billing with Verizon Wireless. I have called, emailed, gotten a voice mail toll free man calling me, and have asked repeatedly for an email or written correspondence. I now have just finished an FTC complaint alledging fraud. If they cannot answer, or worse, you ask for a manager, you have additional 10 minute wait time, or they hang up. No monitoring. My Equifax credit report now has an unpaid amount that I cannot dispute if I cannot communicate with an intelligent life form. I am asking the FCC to put a third party address or phone number on all Cellular bills, as the Industry is cheap and abusive and non-responsive.

C ONTRACTS ARE ILLEGALLY EXTENDED FOR A WIDE RANGE OF REASONS BY CUSTOMER SERVICES AND CANNOT BE DISPUTED BY CUSTOMERS

The reasons for extensions of service are as follows: a) upgrading minutes b) replacement of lost phones c) changing from a local, regional or national network d) refusing to allow a DOWNGRADE of minutes. The Industry does not specifically quote the exact cost of the bill, and sometimes state federal and other charges bring the bill 15% more than the minute plan quoted. Most resellers are marketing by phone, and there is no written contract to review PRIOR to service being executed. THE INDUSTRY USES RESELLERS TO MARKET NEW CUSTOMERS BECAUSE IT IS CHEAPER.

MINORITIES ARE EXCLUDED OR DISCRIMINATED HEAVILY

The salesman of these marketing companies are white 20-30 year olds. The script is a 10th grade language level. Most Marketing departments do not even have a hispanic speaking salesman. If a customer cannot understand because of language barrier, or is too young or old or taking too much time, the conversation usually ends. Most resellers have a credit scoring list, and the PRE-PAID market offers 20-30% less minutes, DIGITAL only phones, which means a smaller area to use the phone and no analog, so no travelling outside the ranges of travel for post paid customers. Post paid customers solicited are given over \$100 in additional accessories, and are mostly white older Americans. There is a great disparity from pre-paid to post paid that the MARKET will not correct without intervention. Most poor Blacks and hispanics are heavily represented in the pre-paid services network. The Industry even has a BLACK LIST of all customers who previously had contract disputes with other carriers, even if the dispute was not on their credit report. We could not give them a POST PAID cellular offering. This was 3 months ago, so it is very recent.

SOME WIRELESS CARRIERS ARE QUOTING NATIONWIDE ROAMING AND THEIR NETWORKS ARE TRAPPING CUSTOMERS WHO WILL DIE WAITING FOR THE BENEFIT TO OCCUR AT GREAT LOSS OF BUSINESS EXPENSE

The FCC has no independent body checking the veracity of statements when a Cellular company it can provide nationwide roaming. The carriers were to be LNP capable to provide roaming.

Out of one side of the mouth, they are saying they are not, and the other marketing side of the mouth they are. Quite frankly, to hear a Trucker tell me his Cingular Wireless national phone service was not national made me ill. For 2 years, he endured his phone not working. He would pull over to the side of the road, call customer service , who took nothing less than 30 minutes to patch him through to a network. Is this robust competition, Chairman Powell?

HANDSET TO NETWORK UPGRADES AND BILL DISPUTES

I STILL HAVE THE NUMBER OF A 22 YEAR OLD Texas girl who had a 400 anytime local minute plan. Her handset said 350 minutes used one month. Cingular Wireless said 600 minutes. When she told them, not on her download on her HANDSET, she was told that Cingular's network now "rounded to whole minutes" and their network was correct, and she owed over \$100 and she had 30 days to pay, or it was going on her credit report. Chairman Powell, if this was an FCC complaint, would your employees know what to say? And could they resolve it before 30 days, and someone's credit was violated? There has to be regulation. Billing is like the wild wild WEST. If this was a computer network upgrade, who is responsible for communicating the truth to the consumers? Not these companies, Chairman Powell.

II. THE FCC HAS FORGOTTEN ITS COMMENTS TOWARD INDUSTRY EXCUSES FROM ITS OWN FCC PORTABILITY ORDERS

The FCC 95-116 1st order, 1997 –“CMRS carriers in the top 100 MSA’s are required to offer service provider LNP, including the ability to SUPPORT roaming.”

The FCC ‘s 95-116 2nd order, 1998- “...it was necessary to provide additional time for the wireless Industry to develop and test standards in order to insure efficient deployment of wireless number portability.”

MY ALLTIME FAVORITE!!

The FCC 95-116 Forbearance Order 1999- “..we must address concerns regarding the impact that extending the LNP timetable for CMRS providers may have on efforts to increase the efficiency with which carriers utilize numbering resources, in light of the fact that CERTAIN IMPORTANT NUMBERING OPTIMIZATION STRATEGIES , INCLUDING NUMBER POOLING, ARE BASED ON EXISTING LNP ARCHTECTURE.”

ALSO FROM THE SAME FCC ORDER.....

“The Commission concluded that implementation of long term service provider portability by CMRS carriers will have an impact on the efficient use and uniform administration of the numbering resources.”

And let’s hold this thought about PORTABILITY while we read the December 2, 1996 (page 4)from our infamous North American Numbering Counsel (NANC) that advises the FCC: “implementation of rate center consolidation and NUMBER PORTABILITY WILL PREVENT AREA CODE EXHAUST.”

New York, California, Maine, New Hampshire and Vermont Public Utility Commissions have been very specific as to 3-5 years of life before area code exhaust will be created by cellular phone companies allowing the portability of consumer’s phone numbers. The “churn rate”, as the Industry calls it, is when the consumers leave. That number must then sit idle and disconnected from 3-6 months. These utilization thresholds then do not show these unassigned numbers in the numberator, and no new NXX codes are assigned to the carrier.

Up until this time, we have only heard of the Industry’s costs from their BOLD CTIA group. Consumers’ loss of income and costs from new numbers because of changing carriers and no PORTABILITY have been discounted. So has STATE governmental cities dealing from rapid area code change from the lack of a uniform WIRELINE TO WIRELESS system of allocation of numbers. The FCC can deny this no more. THE 2ND PRONG OF THE SECTION 10 APPLIES HERE. “enforcement of such regulation IS necessary to insure the protection of consumers.”

And the third prong of the FCC Section 10 forbearance cannot be applied here: The Public interest is to secure their own identity and business acumen, as the Cellular Industry has been reporting for some time that almost 20% of Cellular customers use this number exclusively. They

do not even use a wireline phone. The Consumers who independently emailed the FCC about porting of cellular phone numbers did so by reading smaller newspaper letter to the Editors. Would the FCC put this to a test and do a toll free number in the Wall Street Journal, or the Rolling Stone? Because ONE OUT OF TWO CONSUMERS WOULD REFUSE TO CHANGE CELLULAR CARRIERS THAT I TALKED TO WHEN I TOLD THEM THEY COULD NOT KEEP THEIR PRESENT PHONE NUMBER. In addition to making an easy \$700 a week, that was the easiest way to make money and do research for my 2 years of filing. I am forever indebted to Worldcom Wireless for the experience.

III. THE INDUSTRY IN FCC 99-200 DOCKETS HAS ALREADY VOLUNTEERED THEY MUST IMPLEMENT LNP BEFORE THEY POOL, AND THAT LNP CAPABILITY EXISTS NOW!!! PRAISE GOD AND LET'S READ THIS TOGETHER

Bellsouth Opposition CC docket 99-200 August 15, 2000- (page 5) "The infrastructure required to implement number portability MUST BE IN PLACE BEFORE wireless carriers can begin POOLING. Thus, several critical steps in the development process must occur before CMRS carriers are even capable of participating in POOLING" (capitals mine)

June 9, 2000 filing:
CTIA Comments CC docket 99-200 (page 13) In discussing "this untested theory suggests that non-LNP capable carriers could "receive" a block of 1000 unused numbers by an LNP capable LEC." CTIA goes on to discuss calls would need to be routed on a NPA/NXXX 7 digit basis instead of a 6 digit NPA/NXX basis. In the footnotes, Michael Ashctul says

"For example, when a wireless subscriber roams to another market, the VISITING SWITCH knows how to route and terminate a call on 6 digits (or the NPA/NXX). THE SWITCHES CANNOT COMPLETE THESE FUNCTIONS IF 7 digit translation is required before they are lnp capable."

In FCC 99-200, all major Industry companies (cellular) area saying to NOT do Connecticut's TSO. They want to use "stranded 1000 blocks in existing area codes..."
SUMMARY LNP capable? YES.

What the Cellular Industry wants and cannot have is ROAMING to support PORTABILITY. This is not the order. Will their world fall apart? No, because in reality gentlemen, only 10-20% of consumers do East coast to West coast roaming. Nationwide roaming is a pipe dream. Most people do not go beyond 100 miles of where they live. It is not justified for Commerce. And the LNP capability allows for 60-70 cents a minute ROAMING REVENUE. God help these carriers when they want portability charges on the bills. LNP supports a revenue stream that should DEFER portability charges on consumers' cellular bills.

The Section 10 Forbearance cannot be applied here. I am asking the FCC to carry out their logical duties as protectorates of the PUBLIC. As this forbearance has to END November 24, 2002.


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CERTIFICATE OF SERVICE

I, Peggy Arvanitas "The Lone Consumer", do hereby certify that I have on this day sent regular mail July 10, 2002 my Reply Comments for Cellular Portability Forbearance

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